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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
OBA HASSAN WAT BEY, ET AL.,
Plaintiffs,

-v-

CITY OF NEW YORK, ET AL.,
Defendants.
-----X

99 Civ. 03873 (AJN)
01 Civ. 09406 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On May 29, 2012, Plaintiff Oba Hassan Wat Bey filed a motion to amend his complaint in this matter. Based on the Defendants' failure to submit a response to this motion, the Court deemed this motion unopposed. (*See* D.E. 330). In its July 19, 2012 Order addressing the motion to amend, the Court recounted some of the procedural history of this case as it pertains to the successive amendments to the complaints. The Court noted a discrepancy between Plaintiffs' moving papers, which requested to amend only on behalf of Plaintiff Oba Hassan Wat Bey, and the Proposed Amended Complaint submitted with that motion, which appeared to govern the claims of other individuals. (D.E. 330). The Court rejected the Proposed Amended Complaint as inconsistent with the relief requested in the motion, ordering Plaintiff to serve and submit a revised Proposed Amended Complaint consistent with the Court's order. (D.E. 330).


On July 23, 2012, Plaintiffs' counsel submitted a revised Proposed Amended Complaint that, consistent with the Court's July 19, 2012 Order, governed only the claims of Oba Hassan Wat Bey. However, the July 23, 2012 Proposed Amended Complaint contained additional changes that were not identified in Plaintiffs' papers moving for leave to amend or included in the Proposed Amended Complaint submitted with that motion. The Court therefore rejected that Proposed Amended Complaint as well.

On July 25, 2012, Plaintiffs' counsel again submitted a revised Proposed Amended Complaint (attached). This proposed pleading, however, contains largely the same deficiency that led the Court to reject the initial Proposed Amended Complaint submitted with Plaintiffs' moving papers: it purports to govern the claims of "Plaintiffs, Oba Hassan Wat Bey (p/k/a/ Robert Watson), Pedro Rivera Bey Sr., and Hassan Abdullah." Although the Proposed Amended Complaint now clearly asserts the Title VII claim only on behalf of Oba Hassan Wat Bey, the inclusion of Hassan Abdullah as a plaintiff governed by this pleading implicates the same concerns stated in the Court's July 19, 2012 Order. Thus, for the reasons expressed in the Court's July 19, 2012 Order, this Proposed Amended Complaint is rejected.

The Court will allow Plaintiffs one more opportunity to submit a Proposed Amended Complaint that is compliant with the Court's orders on this matter. Plaintiffs shall provide the Court and counsel for the Defendants a new Proposed Amended Complaint by August 7, 2012. By August 10, 2012, counsel for Defendants shall inform the Court in writing if the Proposed Amended Complaint conforms with this Court's order of July 19, 2012. Plaintiffs' failure to abide by the terms of this Order and the Order of July 19, 2012, may result in the request to file an amended complaint being denied.

SO ORDERED.

Dated: August 2, 2012
New York, New York


ALISON J. NATHAN
United States District Judge